

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DR. MORGAN REYNOLDS on behalf §  
of the UNITED STATES OF AMERICA §

Plaintiff, §

VS.

SCIENCE APPLICATIONS \$  
INTERNATIONAL CORP.; APPLIED \$  
RESEARCH ASSOCIATES, INC.; \$  
NuSTATS; COMPUTER AIDED \$  
ENGINEERING ASSOCIATES, \$  
INC.; DATASOURCE, INC.; \$  
GEOSTAATS, INC.; GILSANZ \$  
MURRAY STEFICEK LLP; HUGHES \$  
ASSOCIATES, INC.; AJMAL ABBASI; \$  
EDUARDO KAUSEL; DAVID PARKS; \$  
DAVID SHARP; DANIELE VENEZANO; \$  
JOSEF VAN DYCK; KASPAR WILLIAM; \$  
ROLF JENSEN & ASSOCIATES, INC.; \$  
ROSENWASSER/GROSSMAN \$  
CONSULTING ENGINEERS, P.C.; \$  
SIMPSON GUMPERTZ & HEGER, INC.; \$  
S. K. GHOSH ASSOCIATES, INC.; \$  
SKIDMORE, OWINGS & MERRILL, \$  
LLP; TENG & ASSOCIATES, INC.; \$  
UNDERWRITERS LABORATORIES, \$  
INC.; and WISS, JANNEY, ELSTNER \$  
ASSOCIATES, INC. \$

Defendants. §

Case No. 07CV4612 (GBD)

**AFFIDAVIT OF WM. DAVID BYASSEE  
IN SUPPORT OF APPLIED RESEARCH  
ASSOCIATES, INC.'S REPLY TO  
RELATOR'S MEMORANDUM OF LAW IN  
OPPOSITION TO DEFENDANTS'  
MOTIONS TO DISMISS**

Wm. David Byassee, being duly sworn, hereby deposes and says as follows:

1. I am a member of Jackson Kelly PLLC, attorneys of record for Defendant Applied Research Associates, Inc. (“ARA”) in the captioned case.
2. I am admitted *pro hac vice* in this matter.

3. I submit this affidavit to clarify a typographical error contained in my December 27, 2007 email to Relator's counsel, Mr. Jerry V. Leaphart, attached as Exhibit 3 to the Affirmation of Attorney – Jerry V. Leaphart (Docket #99). My December 27 email was sent in an attempt to settle Relator's claims against ARA and was in no way an admission of wrongdoing on the part of ARA.

4. In the December 27 email, I wrote: "To make a long story short ARA is not involved in those things you allege and even if something was done that was wrong, ARA was a part of it." (emphasis added). In the underlined portion of the above-quoted sentence, I unintentionally omitted the word "not."

5. The December 27 email should have read, "To make a long story short ARA is not involved in those things you allege and even if something was done that was wrong, ARA was **not** a part of it."

Dated: February 4, 2008  
Denver, Colorado

s/ Wm. David Byassee

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Wm. David Byassee

STATE OF COLORADO )  
CITY AND COUNTY OF DENVER )

Subscribed and sworn to before me this 4th day of February 2008, by Wm. David Byassee.

**s/ Robin Walker**

**Notary Public**

My Commission expires: 04/04/09

[SEAL]